

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

May 14, 2013

MEMORANDUM TO COUNSEL

Re: *Jimmie V. Giles v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*
Civil Action No. ELH-12-634

Dear Counsel:

I am in receipt of Mr. Hogan's letter dated May 13, 2013, captioned as a "Request to Reopen Case." I have directed the Clerk to docket Mr. Hogan's letter, with its attachments. *See* ECF 52.

As you know, by way of a Memorandum Opinion and Order entered on November 21, 2012 (ECF 49 & 50), I denied both parties' motions for summary judgment and remanded this matter to the Retirement Board of the Bert Bell/Pete Rozelle NFL Player Retirement Plan for reconsideration in light of the Memorandum Opinion. I observed that, pursuant to *Dickens v. Aetna Life Insurance Co.*, 677 F.3d 228 (4th Cir. 2012), the Court would retain jurisdiction to consider a later challenge by either party to the Retirement Board's determination on remand, and stated that the denial of the motions was "without prejudice to the submission of new motions following the Retirement Board's determination on remand." ECF 49 at 39. In addition, I directed that the case be stayed and administratively closed, pending the result of the proceedings on remand.

In his letter, Mr. Hogan advises that, on remand, the Retirement Board again denied Mr. Giles's application for "Football Degenerative" total and permanent disability benefits. Moreover, Mr. Hogan states that plaintiff "believes that this determination is contrary to the holdings of [my] Memorandum Opinion; [and] that the determination is arbitrary and capricious and an abuse of the Retirement Board's discretion."

I will construe Mr. Hogan's letter (ECF 52) as a motion to reopen the case and lift the stay, and will grant it. Accordingly, it is hereby ORDERED:

1. Mr. Hogan's letter of May 13, 2013 (ECF 52), construed as a motion to reopen the case and lift the stay, is GRANTED. Therefore, the stay imposed by the Court's Order entered November 21, 2012 (ECF 50) is LIFTED, and the Clerk is directed to REOPEN this case; and
2. Counsel for the parties shall confer and submit, within 21 days after this Order is docketed, a joint status report which shall include: (1) a proposed briefing schedule for

renewed motions; (2) whether the parties request referral for a settlement conference to be conducted by a United States Magistrate Judge; and/or (3) any other matters that require the Court's attention.

Despite the informal nature of this Memorandum, it is an Order of the Court, and the Clerk is directed to docket it as such.

Very truly yours,

/s/

Ellen Lipton Hollander
United States District Judge